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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 vs.
11 JAN ROUVEN FUECHTENER,
12 Defendant.

CASE NO.: 2:16-CR-100-GMN-CWH
**STIPULATION TO CONTINUE
SENTENCING HEARING**

13 IT IS HEREBY STIPULATED AND AGREED, by and between Elham Roohani and Lisa
14 C. Cartier-Giroux, Assistant United States Attorneys, counsel for the United States of America, and
15 Karen A. Connolly, counsel for Defendant JAN ROUVEN FUECHTENER, that the sentencing
16 hearing currently scheduled for October 5, 2017, at the hour of 10:30a.m., be vacated and continued
17 for approximately 45 days after a decision on Defendant's Motion to Withdraw Guilty Plea has
18 been rendered.

19 This Stipulation is entered into for the following reasons:

20 1. The parties agree to the continuance for the following reasons: There has not yet
21 been a decision regarding Defendant's Motion to Withdraw Guilty Plea. Once a decision has
22 been rendered by the court, the parties are requesting 45 days for Sentencing.

23 2. The additional time requested herein is not sought for purposes of delay.

24 3. Additionally, denial of this request for continuance could result in a miscarriage of
justice.

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1 4. This is the fourth request to continue the sentencing date.

2 DATED this 4th day of October, 2017.

3 KAREN A. CONNOLLY, LTD.

STEVEN W. MYHRE
United States of America

5 /s/ Karen A. Connolly
6 KAREN A. CONNOLLY
Counsel for Jan Rouven Fuechtener

6 /s/ Elham Roohani
7 ELHAM ROOHANI
LISA C. CARTIER-GIROUX
Assistant United States Attorneys
Counsel for Plaintiff

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAN ROUVEN FUECHTENER,

Defendant.

CASE NO.: 2:16-cr-100-GMN-CWH

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance for the following reasons: There has not yet been a decision regarding Defendant's Motion to Withdraw Guilty Plea. Once a decision has been rendered by the court, the parties are requesting 45 days for Sentencing.
2. The additional time requested herein is not sought for purposes of delay.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice.
4. This is the fifth request to continue the sentencing date.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B(i), (iv).

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1 **ORDER**

2 IT IS THEREFORE ORDERED that the Sentencing Hearing currently scheduled for October
3 5, 2017, at the hour of 10:30 a.m., be vacated and set continued to _____ at
4 the hour of _____.m.

5 DATED this ____ day of October 2017.
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 UNITED STATES DISTRICT JUDGE
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